UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 January 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3,5,7-10,12-17,19,21,23-26 and 28-32</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3,5,7-10,12-17,19,21,23-26 and 28-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 5, 7-10, 12-17, 19, 21, 23-26, 28-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 1, 8, 9, 10, 13, 14, 15, 16, 17, 24-26, 29, 30, 31, 32 are objected because of the following informalities.

Claim 1, should "first relational database" be changed to --relational database-- since there is no second relational database has been mentioned. Claims 8-10, 13-15, "first relational database" is objected due to the same reason.

Claims 14, 15, 30 and 31, should "table table" be changed to --first table--?

Claims 16 and 32, should "procedure" be deleted since claims mention the "procedure" twice?

Claim 17, should "first relational database" be changed to --relational database-- since there is no second relational database has been mentioned. Claims 24-26, 29-31, "first relational database" is objected due to the same reason.

Claims 13, 19, "names of computing device database names" is objected. "Names" of the "names"?

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 5, 7-10, 12-17, 19, 21, 23-26, 28-32 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 2, "datasets" is vague whether it is referred to previously

mentioned "data sets". Line 5, "the computing characteristics" lacks antecedent basis.

In Claims 5, 7, 8, 9, 10, 12, 13, 14, 15, 16 render uncertainty whether the claimed

limitations are required or not because Claim 1 requires only one of the three

characteristics. If one characteristic has met, then the other two are not required.

Therefore, the descriptions of the other two characteristics mentioned above are

unnecessary and unimportant.

In Claim 17, line 5, "computing device characteristics" lacks antecedent basis.

In Claims 21, 23-26, 28-32, render uncertainty whether the claimed limitations

are required or not because Claim 17 requires only one of the three characteristics. If

one characteristic has met, then the other two are not required. Therefore, the

descriptions of the other two characteristics mentioned above are unnecessary and

unimportant.

Claims 14 and 30 seemingly fail further specify the claimed inventions.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3, 5, 7-10, 12-17, 19, 21, 23-26, 28-32 are rejected under 35

U.S.C. 102(e) as being anticipated by MacGregor et al. (US2005/0102382).

Regarding Claim 1, MacGregor (US2005/0102382) discloses a method for use in

consolidating computing devices (See Abstract, figs. 2, 4, 5), comprising:

storing in at least two data sets (Abstract, [0018]-[0024], [0031], [0036]-[0039],

[0048]), the at least two datasets each comprising information indicative of the

characteristics of at least a first computing device and a second computing device (See

figs. 2, 4, 5), wherein the data sets describe the information in a markup language

([0031], [0037]), and wherein the computing device characteristics comprise at least one

of: system parameters (See [0020]. The management interface manages the terminal,

network, protocol. These elements control the connectivity of the network), executable

process parameters (See [0030]. The server provides security access control for

network user. Therefore, the user or owner must provide identifications to the server for

determining whether the access is granted or not), and computing device database

definition parameters (Abstract, [0022]), user messages ([0034]), defaults ([0037],

[0042], Type of network element);

loading the at least two data sets into a first relational database ([0031]) so that

the at least two data sets can be compared ([0031]. Since some certain parameters

can be more important, the parameters of the data sets are inherently compared in

order to find the importance) to each other to facilitate consolidation of services

performed on at least one of the computing devices (Abstract, [0008]).

Regarding Claim 3, MacGregor discloses that the markup language is XML (See

[0031], [0037]).

Regarding Claim 5, MacGregor discloses that the system parameters comprises

at least network connectivity (See [0020]. The management interface manages the

terminal, network, protocol. These elements control the connectivity of the network),

disk space ([0029]).

Regarding Claim 7, MacGregor discloses the executable process parameter

comprises at least process owner (See [0030]. The server provides security access

control for network user. Therefore, the user or owner must provide identifications to

the server for determining whether the access is granted or not.)

Regarding Claim 8, MacGregor discloses that the relational database ([0031])

inherently comprises a table (See Microsoft computer dictionary) for maintaining system

information for the at least one computing device (such as storing information).

Regarding Claim 9, MacGregor discloses that the relational database ([0031])

inherently comprises a table (See Microsoft computer dictionary) wherein the table

maintains information related to executable processes on a computing device (such as storing information related to access control to authenticated users to run the software for communicating the network).

Regarding Claim 10, MacGregor discloses that the relational database ([0031]) inherently comprises a table (See Microsoft computer dictionary) wherein the table contains information related to modules (any software, e.g. windows, c++, java, network, internet, etc) on a computing device (See [0036]) that are used by a process (all software run by process).

Regarding Claim 12, MacGregor discloses the computing devices database definition parameters comprises at least function (Abstract, [0022]), user messages ([0034]), defaults ([0037], [0042], Type of network element), stored procedure (procedure that run the software), triggers ([0037]).

Regarding Claim 13, MacGregor discloses the relational database inherently comprises a database name table (See Microsoft computer dictionary) for maintaining the names of the computing device database ([0037], [0040]-[0042]. Since all data are stored in the table of the database, the names of the user, server, cell are stored in the table as well). Further, MacGregor discloses that tables are within database ([0048])

Regarding Claim 14, MacGregor's database inherently discloses the table maintains computing device database names ([0037], [0040]-[0042]. Since all data are stored in the table of the database, the names of the user, server, cell are stored in the table as well). Further, MacGregor discloses that tables are within database ([0048]).

Regarding Claim 15, MacGregor discloses the database inherently comprises column table maintaining column names (e.g. attribute names) (See Microsoft computing dictionary).

Regarding Claim 16, since the computer code or program must be stored in the database before execution, therefore MacGregor database inherently comprises a table of storing or containing trigger ([0046], claim 11), function (abtract, [0040], [0041]), procedure (procedure or process to execute or run any software).

Regarding Claim 17, MacGregor discloses a system for comparing computing device parameters (See Abstract, figs. 2, 4, 5, [0019]-[0023]), comprising:

at least one storage device storing at least two data sets (Abstract, [0018]-[0024], [0031], [0036]-[0039], [0048]), the at least two data sets each comprising information indicative of the characteristics of at least a first computing device and a second computing device (See figs. 2, 4, 5), wherein the data set files describe the information in a markup language ([0031], [0037]), and wherein the computing device characteristics comprise at least one of: system parameters (See [0020]. The management interface manages the terminal, network, protocol. These elements control the connectivity of the network), executable process parameters (See [0030]. The server provides security access control for network user. Therefore, the user or owner must provide identifications to the server for determining whether the access is granted or not), and computing device database definition parameters (Abstract, [0022]), user messages ([0034]), defaults ([0037], [0042], Type of network element);

a first relational database ([0031]) having tables configured to accept data from

the data set files (0048]); and,

a set of computer-readable instruction capable of loading the data from the at

least two data sets into the tables of the first relational database ([0031], [0048]) so that

the at least two data sets can be compared ([0031]. Since some certain parameters

can be more important, the parameters of the data sets are inherently compared in

order to find the importance) to each other to facilitate consolidation of services

performed on at least one of the computing devices.

Regarding Claim 19, MacGregor discloses that the markup language is XML

(See [0031], [0037])

Regarding Claim 21, MacGregor discloses that the system parameters

comprises at least network connectivity (See [0020]. The management interface

manages the terminal, network, protocol. These elements control the connectivity of the

network), disk space ([0029]).

Regarding Claim 23, MacGregor discloses the executable process parameter

comprises at least process owner (See [0030]. The server provides security access

control for network user. Therefore, the user or owner must provide identifications to

the server for determining whether the access is granted or not.)

Regarding Claim 24, MacGregor discloses that the relational database ([0031])

inherently comprises a table (See Microsoft computer dictionary) for maintaining system

information for the at least one computing device (such as storing information).

Regarding Claim 25, MacGregor discloses that the relational database ([0031])
inherently comprises a table (See Microsoft computer dictionary) wherein the table
maintains information related to executable processes on a computing device (such as
storing information related to access control to authenticated users to run the software
for communicating the network).

Regarding Claim 26, MacGregor discloses that the relational database ([0031])
inherently comprises a table (See Microsoft computer dictionary) wherein the table
contains information related to modules (any software, e.g. windows, c++, java,
network, internet, etc) on a computing device (See [0036]) that are used by a process
(all software run by process).

Regarding Claim 28, MacGregor discloses the computing devices database
definition parameters comprises at least function (Abstract, [0022]), user messages
([0034]), defaults ([0037], [0042], Type of network element), triggers ([0037]).

Regarding Claim 29, MacGregor discloses the relational database inherently
comprises a database name table (See Microsoft computer dictionary) for maintaining
the names of the computing device database ([0037], [0040]-[0042]. Since all data are
stored in the table of the database, the names of the user, server, cell are stored in the
table as well).

Regarding Claim 30, MacGregor's database inherently discloses the table
maintains computing device database names ([0037], [0040]-[0042]. Since all data are
stored in the table of the database, the names of the user, server, cell are stored in the
table as well). Further, MacGregor discloses that tables are within database ([0048]).

Regarding Claim 31, MacGregor discloses the database inherently comprises column table maintaining column names (e.g. attribute names) (See Microsoft computing dictionary).

Regarding Claim 32, since the computer code or program must be stored in the database before execution, therefore MacGregor database inherently comprises a table of storing or containing trigger ([0046], claim 11), function (abtract, [0040], [0041]), procedure (procedure or process to execute or run any software).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Microsoft Computer Dictionary shows the definition of table,

column and relational database.

Correspondence

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Examiner Wilson Lee whose telephone number is (571)

272-1824.

Papers related to the application may be submitted by facsimile transmission.

Any transmission not to be considered an official response must be clearly marked

"DRAFT".   The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

5-11-09   /Wilson Lee/
                                                                     Primary Examiner, Art Unit 2163